

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 5, 2002

IN RE:

**APPROVAL OF THE AMENDMENTS TO
THE INTERCONNECTION AGREEMENT
NEGOTIATED BY BELL SOUTH
TELECOMMUNICATIONS, INC. AND
NETWORK TELEPHONE CORPORATION
PURSUANT TO SECTIONS 251 AND 252 OF
THE TELECOMMUNICATIONS ACT OF
1996**

DOCKET NO. 02-00505

**ORDER APPROVING
AMENDMENTS TO THE INTERCONNECTION AGREEMENT**

This matter came before Chairman Sara Kyle, Director Pat Miller, and Director Deborah Taylor Tate, of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 23, 2002 to consider, pursuant to 47 U.S.C. § 252, the *Petition for Approval of the Amendments to the Interconnection Agreement Negotiated Between BellSouth Telecommunications, Inc. and Network Telephone Corporation Pursuant to the Telecommunications Act of 1996* (the "Petition").

The original Interconnection Agreement between these parties was filed on July 26, 2002 and was assigned Docket No. 01-00659. The Authority approved the Agreement at the September 25, 2001 Authority Conference. The First Amendment was filed on August 8, 2001 under Docket No. 01-00696. The Authority approved the First Amendment on October 9, 2001. The Second Amendments were filed on April 9, 2002 under Docket No. 02-00390. The

Authority approved the Second Amendments on June 11, 2002. The Third Amendments, which are the subject of this docket, were filed on May 3, 2002.

Based upon the Petition, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Amendments and made the following findings and conclusions:

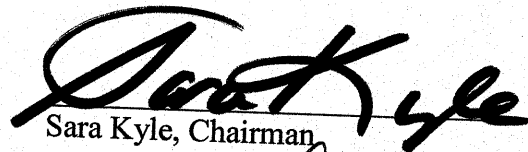
- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The Amendments are in the public interest as they provide consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.
- 3) The Amendments are not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

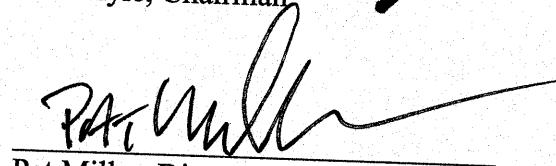
¹ See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

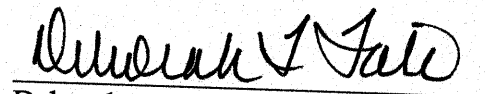
- 5) No person or entity has sought to intervene in this docket.
- 6) The Amendments are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

IT IS THEREFORE ORDERED THAT:

The Amendments to the Interconnection Agreement negotiated between BellSouth Telecommunications, Inc. and Network Telephone Corporation are approved and are subject to the review of the Authority as provided herein.


Sara Kyle, Chairman


Pat Miller, Director


Deborah Taylor Tate, Director